



Rep. Arthur L. Turner

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LRB095 05898 RLC 37767 a

1 AMENDMENT TO SENATE BILL 1023

2 AMENDMENT NO. _____. Amend Senate Bill 1023 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 2. The Illinois Criminal Justice Information Act
5 is amended by adding Section 7.6 as follows:

6 (20 ILCS 3930/7.6 new)

7 Sec. 7.6. Capital Crimes Database.

8 (a) Subject to appropriation, a Capital Crimes Database
9 shall be created within the Illinois Criminal Justice
10 Information Authority (ICJIA).

11 (b) The ICJIA shall collect and retain in the Capital
12 Crimes Database all information on the prosecution, pendency,
13 and disposition of capital and capital eligible cases in
14 Illinois. The Capital Crimes Database shall serve as a
15 repository for all of the foregoing collected information.

16 (c) The ICJIA shall develop administrative rules to provide

1 for the coordination and collection of information in the
2 Capital Crimes Database.

3 (d) Agencies required to provide information on capital
4 cases to the ICJIA, as the ICJIA may request, for the Capital
5 Crimes Database shall include, but not be limited to:

6 (1) Office of the Attorney General.

7 (2) Illinois Department of Corrections.

8 (3) Illinois State Police.

9 (4) All county State's Attorneys.

10 (5) All county public defenders.

11 (6) Office of the State's Attorneys Appellate
12 Prosecutor.

13 (7) Office of the State Appellate Defender.

14 (e) Agencies requested to provide information on capital
15 cases to the ICJIA for the Capital Crimes Database shall
16 include, but not be limited to:

17 (1) Administrative Office of Illinois Courts.

18 (2) All county circuit court clerks.

19 (f) The ICJIA shall develop procedures and protocols for
20 the submission of information relating to capital and capital
21 eligible cases to the Database in conjunction with the agencies
22 submitting information.

23 Section 3. The Illinois Police Training Act is amended by
24 changing Section 10.3 as follows:

1 (50 ILCS 705/10.3)

2 Sec. 10.3. Training of police officers to conduct
3 electronic interrogations.

4 (a) From appropriations made to it for that purpose, the
5 Board shall initiate, administer, and conduct training
6 programs for permanent police officers, part-time police
7 officers, and recruits on the methods and technical aspects of
8 conducting electronic recordings of interrogations.

9 (b) Subject to appropriation, the Board shall develop
10 technical guidelines for the mandated recording of custodial
11 interrogations in all homicide investigations by law
12 enforcement agencies. These guidelines shall be developed in
13 conjunction with law enforcement agencies and technology
14 accreditation groups to provide guidance for law enforcement
15 agencies in implementing the mandated recording of custodial
16 interrogations in all homicide investigations.

17 (Source: P.A. 93-206, eff. 7-18-03; 93-517, eff. 8-6-03.)

18 Section 4. The Criminal Code of 1961 is amended by changing
19 Sections 33A-2 and 33A-3 as follows:

20 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

21 Sec. 33A-2. Armed violence-Elements of the offense.

22 (a) A person commits armed violence when, while armed with
23 a dangerous weapon, he commits any felony defined by Illinois
24 Law, except first degree murder, attempted first degree murder,

1 intentional homicide of an unborn child, second degree murder,
2 involuntary manslaughter, reckless homicide, predatory
3 criminal sexual assault of a child, ~~aggravated criminal sexual~~
4 ~~assault, aggravated kidnaping,~~ aggravated battery of a child,
5 home invasion, or any offense that makes the possession or use
6 of a dangerous weapon either an element of the base offense, an
7 aggravated or enhanced version of the offense, or a mandatory
8 sentencing factor that increases the sentencing range ~~armed~~
9 ~~robbery, or aggravated vehicular hijacking.~~

10 (b) A person commits armed violence when he or she
11 personally discharges a firearm that is a Category I or
12 Category II weapon while committing any felony defined by
13 Illinois law, except first degree murder, attempted first
14 degree murder, intentional homicide of an unborn child, second
15 degree murder, involuntary manslaughter, reckless homicide,
16 predatory criminal sexual assault of a child, ~~aggravated~~
17 ~~criminal sexual assault, aggravated kidnaping,~~ aggravated
18 battery of a child, home invasion, or any offense that makes
19 the possession or use of a dangerous weapon either an element
20 of the base offense, an aggravated or enhanced version of the
21 offense, or a mandatory sentencing factor that increases the
22 sentencing range ~~armed robbery, or aggravated vehicular~~
23 ~~hijacking.~~

24 (c) A person commits armed violence when he or she
25 personally discharges a firearm that is a Category I or
26 Category II weapon that proximately causes great bodily harm,

1 permanent disability, or permanent disfigurement or death to
2 another person while committing any felony defined by Illinois
3 law, except first degree murder, attempted first degree murder,
4 intentional homicide of an unborn child, second degree murder,
5 involuntary manslaughter, reckless homicide, predatory
6 criminal sexual assault of a child, ~~aggravated criminal sexual~~
7 ~~assault, aggravated kidnaping,~~ aggravated battery of a child,
8 home invasion, or any offense that makes the possession or use
9 of a dangerous weapon either an element of the base offense, an
10 aggravated or enhanced version of the offense, or a mandatory
11 sentencing factor that increases the sentencing range ~~armed~~
12 ~~robbery, or aggravated vehicular hijacking.~~

13 (d) This Section does not apply to violations of the Fish
14 and Aquatic Life Code or the Wildlife Code.

15 (Source: P.A. 91-404, eff. 1-1-00.)

16 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

17 Sec. 33A-3. Sentence.

18 (a) Violation of Section 33A-2(a) with a Category I weapon
19 is a Class X felony for which the defendant shall be sentenced
20 to a minimum term of imprisonment of 15 years.

21 (a-5) Violation of Section 33A-2(a) with a Category II
22 weapon is a Class X felony for which the defendant shall be
23 sentenced to a minimum term of imprisonment of 10 years.

24 (b) Violation of Section 33A-2(a) with a Category III
25 weapon is a Class 2 felony or the felony classification

1 provided for the same act while unarmed, whichever permits the
2 greater penalty. A second or subsequent violation of Section
3 33A-2(a) with a Category III weapon is a Class 1 felony or the
4 felony classification provided for the same act while unarmed,
5 whichever permits the greater penalty.

6 (b-5) Violation of Section 33A-2(b) with a firearm that is
7 a Category I or Category II weapon is a Class X felony for
8 which the defendant shall be sentenced to a minimum term of
9 imprisonment of 20 years.

10 (b-10) Violation of Section 33A-2(c) with a firearm that is
11 a Category I or Category II weapon is a Class X felony for
12 which the defendant shall be sentenced to a term of
13 imprisonment of not less than 25 years nor more than 40 years.

14 (c) Unless sentencing under Section 33B-1 is applicable,
15 any person who violates subsection (a) or (b) of Section 33A-2
16 with a firearm, when that person has been convicted in any
17 state or federal court of 3 or more of the following offenses:
18 treason, first degree murder, second degree murder, predatory
19 criminal sexual assault of a child, aggravated criminal sexual
20 assault, criminal sexual assault, robbery, burglary, arson,
21 kidnaping, aggravated battery resulting in great bodily harm or
22 permanent disability or disfigurement, a violation of the
23 Methamphetamine Control and Community Protection Act, or a
24 violation of Section 401(a) of the Illinois Controlled
25 Substances Act, when the third offense was committed after
26 conviction on the second, the second offense was committed

1 after conviction on the first, and the violation of Section
2 33A-2 was committed after conviction on the third, shall be
3 sentenced to a term of imprisonment of not less than 25 years
4 nor more than 50 years.

5 (c-5) Except as otherwise provided in paragraph (b-10) or
6 (c) of this Section, a person who violates Section 33A-2(a)
7 with a firearm that is a Category I weapon or Section 33A-2(b)
8 in any school, in any conveyance owned, leased, or contracted
9 by a school to transport students to or from school or a school
10 related activity, or on the real property comprising any school
11 or public park, and where the offense was related to the
12 activities of an organized gang, shall be sentenced to a term
13 of imprisonment of not less than the term set forth in
14 subsection (a) or (b-5) of this Section, whichever is
15 applicable, and not more than 30 years. For the purposes of
16 this subsection (c-5), "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 (d) For armed violence based upon a predicate offense
20 listed in this subsection (d) the court shall enter the
21 sentence for armed violence to run consecutively to the
22 sentence imposed for the predicate offense. The offenses
23 covered by this provision are:

- 24 (i) solicitation of murder,
25 (ii) solicitation of murder for hire,
26 (iii) heinous battery,

- 1 (iv) aggravated battery of a senior citizen,
2 (v) (blank) ~~criminal sexual assault~~,
3 (vi) a violation of subsection (g) of Section 5 of the
4 Cannabis Control Act,
5 (vii) cannabis trafficking,
6 (viii) a violation of subsection (a) of Section 401 of
7 the Illinois Controlled Substances Act,
8 (ix) controlled substance trafficking involving a
9 Class X felony amount of controlled substance under Section
10 401 of the Illinois Controlled Substances Act,
11 (x) calculated criminal drug conspiracy,
12 (xi) streetgang criminal drug conspiracy, or
13 (xii) a violation of the Methamphetamine Control and
14 Community Protection Act.
15 (Source: P.A. 94-556, eff. 9-11-05.)".